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[Proposed] Attorneys for Fili Enterprises, Inc., d/b/a
Daphne's Greek Cafe, a California corporation,
Debtor and Debtor-in-Possession

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA

In re:

FILI ENTERPRISES, INC., d/b/a
Daphne's Greek Cafe, a California
corporation,

Debtor.

CASE NO. 10-bk-00324-PB

Chapter 11

**NOTICE OF FIRST DAY MOTIONS
FILED BY DEBTOR**

Date: N/A
Time: N/A
Place: Room 328
Judge: The Hon. Peter W. Bowie

**TO THE HONORABLE PETER W. BOWIE, UNITED STATES BANKRUPTCY JUDGE,
SECURED CREDITORS, THE TWENTY LARGEST UNSECURED CREDITORS, AND
THE UNITED STATES TRUSTEE:**

PLEASE TAKE NOTICE that Fili Enterprises, Inc., d/b/a Daphne's Greek Cafe, a
California Corporation, debtor and debtor in possession in this case (the "Debtor") intends to and
hereby does move the Court for an order granting each and every one of the following First Day
Motions, true and correct copies of each of which, along with any supporting declarations, have
been duly filed and served concurrently with this Notice:

a. First Day Motion By Debtor For Order Limiting Scope Of Notice;

1 b. First Day Motion By Debtor For Order (A) Authorizing Continued Use
2 Of Debtor's Cash Management System, (B) Authorizing Maintenance And Continued
3 Use Of Debtor's Existing Bank Accounts, (C) Authorizing Continued Use Of Debtor's
4 Business Forms, (D) Authorizing A Waiver Of Section 345(b) Deposit And Bond
5 Requirements, And (E) Directing Banks And Financial Institutions To Honor And
6 Process Prepetition Checks And Transfers;

7 c. First Day Motion by Debtor for Order (A) Authorizing Interim Use of Cash
8 Collateral, (B) Granting Adequate Protection for Use of Prepetition Collateral, and (C)
9 Granting Related Relief;

10 d. First Day Motion by Debtor for Order (A) Prohibiting Utility Providers
11 from Altering, Refusing or Discontinuing Service, (B) Deeming Utility Companies
12 Adequately Assured of Future Performance, and (C) Establishing Procedures for
13 Determining Adequate Assurance of Payment;

14 e. First Day Motion by Debtor for Order: (1) Authorizing, but not Requiring,
15 Payment of Pre-Petition (A) Wages, Salaries and Other Compensation; (B) Employee
16 Benefits; (C) Reimbursable Expenses; (D) Related Taxes; and (2) Authorizing and
17 Directing Financial Institutions to Receive, Process, Honor, and Pay All Checks
18 Presented for Payment;

19 f. First Day Motion by Debtor for Order Pursuant to Sections 507(a)(2) and
20 503(b) Confirming Grant of Administrative Expense Status to Undisputed Obligations
21 Arising from the Postpetition Delivery of Goods;

22 g. First Day Motion By Debtor For Order Authorizing Debtor To Pay
23 Interim Compensation To Insiders;

24 h. First Day Motion by Debtor for Order (A) Authorizing the Debtor to Pay
25 Prepetition Insurance Premiums, and (B) Directing Banks and Financial Institutions to
26 Honor and Process Checks and Transfers Related to the Payment of These Obligations;
27 and

28 i. First Day Motion by Debtor for Order Authorizing the Debtor to Honor

1 Certain Prepetition Obligations to Customers and to Otherwise Continue Customer
2 Programs and Practices.

3
4 **PLEASE TAKE FURTHER NOTICE THAT THE ABOVE LISTED FIRST DAY**
5 **MOTIONS HAVE BEEN FILED IN ACCORDANCE WITH APPENDIX D1 OF THE**
6 **LOCAL BANKRUPTCY RULES FOR THE SOUTHERN DISTRICT OF CALIFORNIA**
7 **(“LOCAL BANKRUPTCY RULES”). AS REQUIRED BY APPENDIX D1 OF THE**
8 **LOCAL BANKRUPTCY RULES (“GUIDELINES FOR FIRST DAY MOTIONS”), ANY**
9 **PARTY IN INTEREST WHO OPPOSES ANY OF THESE FIRST DAY MOTIONS**
10 **SHALL IMMEDIATELY NOTIFY THE JUDGE’S LAW CLERK OF ITS POSITION BY**
11 **TELEPHONE AT (619) 557-5159. NO WRITTEN OPPOSITION SHALL BE FILED TO**
12 **ANY OF THESE FIRST DAY MOTIONS UNLESS THE COURT OTHERWISE**
13 **DIRECTS. PLEASE NOTE THAT THE FAILURE TO NOTIFY THE COURT OF**
14 **OPPOSITION TO ANY OF THESE FIRST DAY MOTIONS MAY BE DEEMED TO BE**
15 **CONSENT TO THE RELIEF REQUESTED, AND THE RELIEF MAY BE GRANTED**
16 **WITHOUT FURTHER NOTICE OR A HEARING.**

17
18 Dated: January 11, 2010

DLA PIPER LLP (US)

19 By /s/ Brendan P. Collins
20 BRENDAN P. COLLINS
21 [Proposed] Attorneys for Fili Enterprises, Inc.,
22 d/b/a Daphne’s Greek Café, a California
23 corporation, Debtor and Debtor-in-Possession
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